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Group Art Unit: 1746

### **REMARKS**

Claims 1-8 have previously been cancelled. Claims 9-28 were previously added. In the Office Action mailed June 17, 2004, the Examiner indicated the allowance of claims 11-20 if rewritten in independent form including all the limitations of the base claim and intervening claims. Claims 9, 10, and 21-28 stand rejected.

In this Amendment and Response, claim 9 has been amended to include the limitation that the interlock comprises a controller operably coupled to the fastener. While this amendment to claim 9 does not include every limitation found in claim 11, Applicants respectfully submit that the amendment does add the patentable concept identified by the Examiner in claim 11 to claim 9 and is in that manner consistent with the Examiner's statement of reasons for the indication of allowable subject matter in claims 11-20. Claim 11 has been amended for consistency with the amendment of claim 9. Based upon the Examiner's indication of the allowance of claims 11-20, claims 9-20 are believed to distinguish over the prior art.

The rejections of claims 21-28 are traversed. Claims 21-28 remain in the application unamended.

It is respectfully submitted that no new matter is added to the application by these amendments. Reconsideration and reexamination is respectfully requested.

### **Rejections under 35 U.S.C. §102(b)**

Claims 9 and 10 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by German Patent No. 2410279 to Parlour et al. These rejections are respectfully traversed.

Original claim 9 discloses an appliance for treating at least one cloth item comprising a collapsible or expandable container comprising a flexible material, the container defining an interior space for enclosing the at least one cloth item, a container opening in the flexible material for accessing the interior space, a humidity provider, a heating element, at least one vent, an air circulation device, a fastener operable between an opened and a closed condition for selectively opening and closing the container opening, and an interlock for locking the fastener in the closed condition during the operation of a refreshing/cleaning cycle to prevent accidental opening of the container during the refreshing/cleaning cycle.

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Claim 9 is not anticipated by German Patent No. 2410279 to Parlour et al. Claim 9 requires an interlock "for locking the fastener in the closed condition." The Examiner argues, without support, that "it is well-known in the art that zippers, when in the down position, provide a locked position which would prevent accidental opening of the zipper.... Thus, any zipper-type fastening mechanism, such as the zipper of Parlour, reads on applicant's claimed fastener with interlock...." The Examiner's argument is meritless.

First, the Examiner has offered no evidence that "all" zippers provide a locked position when in the down position, or that such an assertion is well-known in the art. Indeed, simple observation reveals that many zippers do not include any feature that would prevent accidental opening of the zipper when in the down position.

Second, the mere folding of the zipper to a down position is ineffective for locking the zipper in a closed condition. The movement of the zipper from a down position to an up position is completely unrestricted. Any slight upward movement would render the zipper ineffective to lock the zipper in the closed condition. There is nothing in such a configuration that would prevent accidental opening of the zipper. The Examiner simply concludes without any factual support that any conventional zipper would lock the zipper in a closed condition when the zipper is in a down position. This is completely untrue.

Third, if all zippers perform the function claimed by the Examiner, then Applicants' invention would not require an additional interlock. The zipper alone would suffice to prevent the accidental opening of the zipper. However, it is precisely because a zipper alone does not prevent accidental opening of the zipper that claim 9 requires an interlock.

Nevertheless, claim 9 has been amended in response to the Examiner's indication of allowable subject matter with respect to claims 11-20 to include a controller operably coupled to the fastener. Thus, Applicants submit that claims 9 and 10 are in condition for immediate allowance. For the same reason, Applicants submit that claims 11-20 are in condition for immediate allowance.

Claims 21-24 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,730,006 to Conley. These rejections are respectfully traversed.

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Claim 21 discloses an appliance for refreshing/cleaning at least one cloth item in a refreshing/cleaning cycle, comprising a collapsible container comprising a flexible material, the container defining an interior space for enclosing the at least one cloth item, a humidity provider, a heating element, at least one vent, an air circulation device, and a light source located *in the interior space* for transmitting light through the flexible material for observation by a user during a refreshing/cleaning cycle.

The Examiner argues that Conley '006 discloses a light source located *in the interior space* of the appliance because the Detailed Description in Conley '006 describes a display panel having lights mounted "in" an upper portion of the bag. This characterization is incorrect and is expressly contravened by the drawings of Conley '006.

Figure 8 of Conley '006 clearly shows the display panel 66' located at an exterior surface of the container, and not at all within the interior space of the appliance. Indeed, Figure 8 clearly indicates that the display panel 66' is not located within the interior space of the appliance in showing wires attached to the display panel along the interior of the appliance as dotted lines, unlike the display panel itself, which is shown in solid lines. It is well known that the drawing rules of the U.S. Patent Office require that hidden objects be shown in dashed lines. Thus, the hidden lines for the electrical wires of Fig. 8 clearly place the wires in the interior of the appliance. However, since the display 66' is shown in solid lines, the display is clearly on the exterior of the appliance. Being located on the exterior, it is not possible for the light source of the display (if there is one) to be located inside the interior space as claimed. Had Conley intended for the display to be located in the interior space, he could have easily drawn it in dotted lines as he did the wires. Thus, Conley '006 does not disclose a light source located in the interior space as asserted in the Office Action.

It is clear that Applicants' invention of claim 21 comprises a light source located in the interior space of the appliance. Conley '006 does not disclose such a light source located in the interior space of the garment dewrinkler. It is abundantly evident that the reference in Conley '006 to the display panel being located in an upper portion of the bag means that the display panel is on or at an upper portion, not in the interior. *The American Heritage® Dictionary of the English Language*, 4th Ed., Copyright © 2000, Houghton Mifflin Company, defines "in" as

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"within the limits, bounds, or area of." The dictionary definition makes clear that "in" is not restricted to a position within a 3-dimensional space, but can also refer to location in a 2-dimensional area. This latter concept is precisely what is referenced by the language and illustration in Figure 8 of Conley '006.

Claim 21 is not anticipated by Conley '006. For the same reasons, claims 22-24 are not anticipated by Conley '006. Thus, claims 21-24 are in condition for immediate allowance.

**Rejections under 35 U.S.C. §103(a)**

Claims 25-28 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Conley '006 in view of U.S. Patent No. 4,916,439 to Estes. These rejections are respectfully traversed.

Claims 25-28 depend from claim 21 and thus require a light source located in the interior space for transmitting light through the flexible material. As discussed above, Conley '006 does not disclose a light source located in the interior space of the garment treating appliance for transmitting light through the walls of the appliance. Nor does Estes '439 disclose such a light source. Because neither Conley '006 nor Estes '439 discloses a light source located in the interior space of a cloth treating appliance for transmitting light through a flexible material for observation by a user during a refreshing/cleaning cycle, the combination of these references cannot disclose the light source required in claims 25-28, and thus cannot render claims 25-28 obvious.

Thus, claims 25-28 are in condition for immediate allowance.

It is respectfully submitted that all of the pending claims in the application are allowable over the prior art of record. Early notification of allowability is respectfully requested. Applicants respectfully request an Advisory Action be issued in this case.

If there are any questions regarding this matter, please contact the undersigned attorney.

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Respectfully submitted,

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